

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRANCE JON IRBY,

Plaintiff,

v.

RON HAYNES, et al.,

Defendant.

CASE NO. C17-180 RAJ

ORDER

The Court, having reviewed petitioner's 28 U.S.C. § 2254 habeas petition, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses thereto, and the remaining record, finds and Orders as follows:

1. The Report and Recommendation is **ADOPTED**;
2. Petitioner's 28 U.S.C. § 2254 habeas petition is **DISMISSED with prejudice**; petitioner may pursue his habeas claims in Case No. 17-133 RAJ-BAT;
3. Petitioner's application to proceed in forma paupers (Dkt. # 1) and his motion to dismiss (Dkt. # 5) are **STRICKEN** as moot;

1 4. Petitioner is **DENIED** issuance of a certificate of appealability; and
2 5. The Clerk shall send a copy of this Order to the petitioner and to Judge
3 Tsuchida.

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5 Dated this 27th day of March, 2017.

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11 The Honorable Richard A. Jones
12 United States District Judge
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